

TRANSMITTAL LETTER TO THE UNITED STATES

DESIGNATED/ELECTED OFFICE (DO/EO/US)

CONCERNING A FILING UNDER 35 U.S.C. 371

1975.0024

U.S. Application No.

09/555,139

International Application. No.

International Filing Date

Priority Date Claimed

PCT/EP98/07553

November 24, 1998

November 25, 1997

Title of Invention:

VACCINES WITH AN LTB ADJUVANT

Applicant(s) For DO/EO/US:

Etienne AGSTERIBBE, Rudi BRANDS, Lolke DE HAAN, Johan Marie VAN SCHARRENBURG,  
Willem Ronald VERWEIJ and Jan Christiaan WILSCHUT

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a FIRST submission of items concerning a filing under 35 U.S.C. 371.
2. ☒ This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
4. ☐ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ☐ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a. ☐ is transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☐ has been transmitted by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ A translation of the International Application into English (35 U.S.C. 371(c)(2)).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)).
  - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☐ have been transmitted by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
8. ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ Annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11. to 16. below concern other document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A FIRST preliminary amendment.
14. ☐ A SECOND or SUBSEQUENT preliminary amendment.
15. ☐ A substitute specification.
16. ☒ A change of power of attorney and/or address letter.
16. ☒ Other items or information:
  - a. ☐ Verified Small Entity Statement
  - b. ☒ Copy of Notification of Missing Elements.

07/31/2000 ERIKINDO 00000100 09555139

01-01-154

120.00 Op

17. [ ] The following fees are submitted:

CALCULATIONS

**Basic National Fee (37 CFR 1.492(a)(1)-(5)):**

Search Report has been prepared by the EPO or JPO.....\$840.00  
 International preliminary examination fee paid to  
 USPTO (37 CFR 1.482).....\$670.00  
 No international preliminary examination fee paid to  
 USPTO (37 CFR 1.482) but international search fee  
 paid to USPTO (37 CFR 1.445(a)(2)).....\$690.00  
 Neither international preliminary examination fee  
 (37 CFR 1.482) nor international search fee  
 (37 CFR 1.445(a)(2)) paid to USPTO.....\$970.00  
 International preliminary examination fee paid to USPTO  
 (37 CFR 1.482) and all claims satisfied provisions  
 of PCT Article 33(1)-(4).....\$ 96.00

**ENTER APPROPRIATE BASIC FEE AMOUNT =**

\$

Surcharge of \$130.00 for furnishing the oath or declaration later than  
 [ ] 20 [X] 30 months from the earliest claimed priority date  
 (37 CFR 1.492(e)).

\$ 130.00

Claims	Number Filed	Number Extra	Rate	
Total Claims	17 -20=		X \$18.00	\$
Independent Claims	8 - 3=	5	X \$78.00	\$
Multiple dependent claim(s) (if applicable)			+\$260.00	\$

**TOTAL OF ABOVE CALCULATIONS =**

\$ 130.00

Reduction by 1/2 for filing by small entity, if applicable. Verified  
 Small Entity statement must also be filed. (Note 37 CFR 1.9, 1.27, 1.28)

\$

**SUBTOTAL =**

\$ 130.00

Processing fee of \$130.00 for furnishing the English translation later  
 than [ ] 20 [ ] 30 months from the earliest claimed priority date  
 (37 CFR 1.492(f)).

\$

**TOTAL NATIONAL FEE =**

\$ 130.00

Fee for recording the enclosed assignment (37 CFR 1.21(h)). The  
 assignment must be accompanied by an appropriate cover sheet  
 (37 CFR 3.28, 3.31).

\$40.00 per property +

\$

**TOTAL FEES ENCLOSED =**

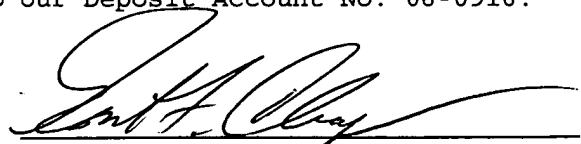
\$ 130.00

Amount to be  
 refunded \$  
 charged \$

- a. [X] A check in the amount of \$ 130.00 to cover the above fees is enclosed.  
 b. [ ] Please charge my Deposit Account No. \_\_\_\_\_ in the amount of  
 \$ \_\_\_\_\_ to cover the above fees. A duplicate copy of this sheet is  
 enclosed.  
 c. [X] The Commissioner is hereby authorized to charge any additional fees  
 which may be required, or credit any overpayment to Deposit Account  
 No. 06-0916. A duplicate copy of this sheet is enclosed.

The Commissioner is hereby authorized to charge any other fees due under 37 C.F.R. \$1.16  
 or \$1.17 during the pendency of this application to our Deposit Account No. 06-0916.

SEND ALL CORRESPONDENCE TO:  
 Finnegan, Henderson, Farabow  
 Garrett & Dunner, L.L.P.  
 1300 I Street, N.W.  
 Washington, D.C. 20005-3315  
 EFC/FPD/rgm

  
 Ernest F. Chapman  
 Reg. No. 25,961

Submitted: July 28, 2000

09/555139



UNITED STATES DEPARTMENT OF COMMERCE

Patent and Trademark Office

Address: ASSISTANT COMMISSIONER FOR PATENTS  
Box PCT  
Washington, D.C. 20231

09/555,139

AGSTERIBBE

FIRST NAMED APPLICANT

ATTY. DOCKET NO. 01975-0024

FINNEGAN HENDERSON FARABOW  
GARRETTE & DUNNER  
1300 I STREET N W  
WASHINGTON DC 20005-3315

5071

INTERNATIONAL APPLICATION 7653

I.A. FILING DATE

PRIORITY DATE

11/24/98

11/25/97

DATE MAILED:

28 JUN 2000

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as

- ☐ a Designated Office (37 CFR 1.494),  
☒ an Elected Office (37 CFR 1.495):  
☒ U.S. Basic National Fee.  
☒ Copy of the international application in:  
☐ a non-English language.  
☒ English.  
☐ Translation of the international application into English.  
☐ Oath or Declaration of Inventors(s) for DO/EO/US.  
☐ Copy of Article 19 amendments.  
☐ Translation of Article 19 amendments into English.  
☒ The International Preliminary Examination Report in English and its Annexes, if any.  
☒ Translation of Annexes to the International Preliminary Examination Report into English.  
☒ Preliminary amendment(s) filed 25 May 00 and June 3 2000  
☐ Information Disclosure Statement(s) filed \_\_\_\_\_ and \_\_\_\_\_  
☐ Assignment document.  
☐ Power of Attorney and/or Change of Address.  
☐ Substitute specification filed \_\_\_\_\_  
☐ Verified Statement Claiming Small Entity Status.  
☒ Priority Document.  
☒ Copy of the International Search Report ☒ and copies of the references cited therein.  
☐ Other:

**RECEIVED**

FINNEGAN, HENDERSON, FARABOW,  
GARRETT AND DUNNER, LLP

2. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- ☐ a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.  
☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.  
☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).  
☒ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.  
☐ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.  
☒ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

3. Additional claim fees of \$ \_\_\_\_\_ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due. See attached PTO-875.

**ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY ☐ 21 OR ☒ 31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

4. Translation of the Annexes **MUST** be submitted no later than the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.

5. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

***A copy of this notice MUST be returned with this response.***

Enclosed:

☐ PCT/DO/EO/917

☐ Notice of Defective Translation

☐ PTO-875

FORM PCT/DO/EO/905 (December 1997)

Lamont Hunter  
National Stage Processing  
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